IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRI.WRIT PETITION NO. 1890 OF 2004.

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Shri Arfan A.E.A.Sait for the petitioner (appointed).

Smt.U.V.Kajrewal, A.P.P. for respondents

CORAM : SMT.RANJANA DESAI &
ABHAY S.OKA, JJ.

DATED : 7th December, 2004.

P.C.:

1. This petition is filed through Jail for grant of furlough leave. We have heard Shri Arfan Sait, learned Counsel appointed to appear for the petitioner. Admittedly the petitioner was earlier released on furlough and he surrendered to the prison after the period of that furlough was over. This furlough application is rejected on the ground of adverse police report. In the police report, it is stated that the petitioner is likely to abscond and that if the petitioner is released on furlough, there is danger to the property and life of the witnesses. We feel that this is yet another instance of a stereotype adverse report. If the petitioner was once released on furlough and he surrendered to the prison after expiry of that

furlough period, we do not see how the prison authority can entertain such an apprehension. It is not the case of the respondents that while on furlough the petitioner committed any offence. In the facts of this case, therefore, we direct the DIG (Prisons), Western Region to grant furlough leave to the petitioner on compliance of the necessary procedural requirements i.e. on usual terms and conditions. Copy of this order be sent to the petitioner in jail.

2. Petition stands disposed of.

(Smt.Ranjana Desai, J.)

(Abhay S.Oka, J.)